

HOUSE BILL No. 1002

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2; IC 34-7-8.

Synopsis: Admission of liability in civil actions. Prohibits a statement, writing, or benevolent gesture that: (1) expresses sympathy or a general sense of benevolence; and (2) is made to an accident victim or to the family of an accident victim from being admitted as evidence in a civil action as an admission of liability. Provides that a statement of fault that is part of, or in addition to, the statement, writing, or benevolent gesture is admissible as evidence in a civil action.

Effective: July 1, 2001.

Weinzapfel

January 8, 2001, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1002

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-6-2-15.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOW [EFFECTIVE JULY
3 1, 2001]: **Sec. 15.3. "Benevolent gesture", for purposes of IC 34-7-8,**
4 **means an action that conveys a sense of compassion or**
5 **commiseration that emanates from humane impulses.**

6 SECTION 2. IC 34-6-2-44.5 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOW [EFFECTIVE JULY
8 1, 2001]: **Sec. 44.5. "Family", for purposes of IC 34-7-8, means:**

- 9 (1) the spouse;
10 (2) a parent;
11 (3) a grandparent;
12 (4) a stepparent;
13 (5) a child;
14 (6) a grandchild;
15 (7) a brother;
16 (8) a sister;
17 (9) an adopted child; or



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1 **(10) a parent of the spouse;**
2 **of a person injured in an accident.**

3 SECTION 3. IC 34-7-8 IS ADDED TO THE INDIANA CODE AS
4 A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE JULY
5 1, 2001]:

6 **Chapter 8. Admissions of Liability in Civil Actions**

7 **Sec. 1. A part of a statement, writing, or benevolent gesture that**
8 **expresses sympathy or a general sense of benevolence that:**

9 **(1) relates to the pain, suffering, or death of a person involved**
10 **in an accident; and**

11 **(2) is made to:**

12 **(A) the person involved in the accident; or**

13 **(B) the family of the person involved in the accident;**

14 **is not admissible as evidence in a civil action as an admission of**
15 **liability.**

16 **Sec. 2. Notwithstanding section 1 of this chapter, a statement of**
17 **fault that is part of, or in addition to, a statement, writing, or**
18 **benevolent gesture described in section 1 of this chapter is**
19 **admissible as evidence in a civil action.**

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